



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/170979

PRELIMINARY RECITALS

Pursuant to a petition filed December 23, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on January 21, 2016, at Racine, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner BC Plus coverage for July 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Racine County. She is the only person in her household.
2. The petitioner applied for BadgerCare (BC) Plus coverage initially at the end of August 2015. She requested her coverage be backdated to July 1, 2015.

3. In July 2015 the petitioner's monthly gross income was \$1,499.25. She was in a car accident in July 2015 and sustained significant medical bills that month. Effective August 1, 2015 the petitioner was no longer able to work, and no longer had any gross income.
4. In September and October 2015 the agency was attempting to obtain verification of the petitioner's income and expenses. In November 2015 the agency received verification of the petitioner's income.
5. On November 27, 2015 the agency sent the petitioner a notice stating that she has BC Plus coverage effective August 1, 2015.
6. On December 26, 2015 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

DISCUSSION

BadgerCare Plus is a Wisconsin variant of the MA program, for non-elderly, non-disabled Wisconsin residents. The program's nonfinancial eligibility standards were broadened effective April 1, 2014, to include adults who do not have minor children in their home. Wis. Stat. § 49.45(23); 2013 Wisconsin Act 116, § 29, for effective date; *BadgerCare Plus Eligibility Handbook (BCPEH)*, § 2.1, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm> (viewed in September 2014). The petitioner meets the nonfinancial eligibility tests for the program.

The petitioner must also pass an income test. An eligible applicant cannot have adjusted gross income exceeding 100% of the federal poverty level (FPL). Wis. Stat. § 49.45(23)(a); *BCPEH*, § 16.1. The 100% FPL amount is \$990.00 monthly for a household of one, and \$1,335.00 for a household of two. *Id.*, § 50.1.

If a person meets all of the program eligibility requirements, the person may request up to three months of backdated coverage. *Id.*, § 28.8.1. A person is only eligible for backdated coverage if the person would have been eligible for coverage during that backdated month. *Id.* If a person is financially ineligible during a backdated month, then the person cannot receive backdated coverage for that month. *Id.*

The issue in this case is BC Plus coverage for July 2015. The petitioner does not dispute that her income was over the program income limit in July 2015. The petitioner was in a car accident in July 2015. After her car accident she was not able to work, which made her financially eligible effective August 1, 2015. I understand that the petitioner incurred significant medical bills in July 2015. Unfortunately, she is financially ineligible for BC Plus coverage that month because she is over the program income limit.

CONCLUSIONS OF LAW

The agency correctly denied the petitioner BC Plus coverage for July 2015.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 3rd day of March, 2016

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 3, 2016.

Racine County Department of Human Services
Division of Health Care Access and Accountability